

### RESPONSE TO THE REJECTION

There is a single issue in the Office Action. The single issue is anticipation under 35 USC 102(b) over one (unidentified) of the McCrea Patents. Although Applicants cited three (3) separate McCrea, Jr. references in a form 1449 IDS statement (US Patent 5,605,334; 6,093,103; and 6,117,012), the rejection generally cited an unidentified McCrea, Jr. reference in the rejection. Some of the McCrea, Jr. references have different specifications. The relevant cited text of the later Patent references is reproduced below, and the first claim of this application, with highlighted differences following those claims. The specifications of the later two McCrea, Jr. Patents (after US Patent 5,605,334; the earliest McCrea Patent) as that earlier text does not have all of the relevant reference numbers cited by the Examiner (e.g., 1606 for the card delivery area). This response will use US 6,093,103, as it is the earlier of the references having the relevant reference numbers.

After review of the three Patents, it appears that although Figure 16 of McCrea, Jr. shows a feature 1606 (which are cards stacked before the card delivery tray), the specification never describes that unit 1606. To that end, this response will have to review also the disclosed basis for that figure "FIG. 16 is an illustration setting forth the addition of a single reader to the automatic shuffler of U.S. Pat. No. 5,356,154." The relevant portion of that Patent (Verschoor) is in Figure 7, and the specification describing that Figure 7 (of Verschoor) states:

"The control is further adapted such that one of a determined number of cards is always supplied to the discharge means. In addition to determining the quality of shuffling, this number is selected in accordance with the average take-off of playing cards per unit of time.

"When, however, depending on the game situation, the "card consumption" is temporarily greater, the shoe may be in danger of becoming empty. The number of cards in the shoe is detected however and, when the shoe is in danger of emptying, more cards are supplied to the shoe 68. That is, of each smaller number of cards removed from the shuffling compartment present in the first position, a card is supplied to the shoe and a card is carried from the feed compartment to the shuffling compartment present in the second position. This prevents the game having to be stopped due to a lack of cards.

"When, however, the feed compartment has emptied, the control is such that the shuffling process is continued temporarily in the card compartments 16 and 17 with a smaller number of cards, for instance 125. When at a later stage cards once again become available the number of cards is again supplemented to the original number.

"When the machine is taken out of operation, it is of course possible to empty the machine, wherein all cards are carried from the shuffling compartments to the shoe.

"Finally, the operation of the shoe, or discharge means will be considered.

"As shown in FIG. 7, the cards are supplied between the rollers 64 and 61, whereafter the cards are bent by the guide plate 101 before they enter the guide channel 102. During transport through the guide channel 102 the cards are driven by the rollers 76, 77. The card then comes into contact with the stack of cards 99 already present, whereby the supplied card 93 undergoes a force whereby the carriage 70 is moved upward along the slope 69 and sufficient space becomes available behind the stack of cards 99 for interposing of the relevant card.

"Due to the presence of the outlet opening 6 it is always easy to remove the foremost card by hand."

#### **Imaging of Cards by McCrea, Jr.**

"Hence, in FIG. 16, a card 1230B is placed in the modified shoe 250 and an image is delivered as shown by arrow 1630 into a mirror 1632 and is reflected 1634 into a central mirror 1636. Likewise, card 1410B is in stack 93a or is delivered into stack 16a, by drive disk 37a, an image 1640 is delivered into mirror 1642 and is reflected 1644 into the central mirror 1636. The lens 1620 receives the reflected signals 1646 from mirror 1636 and delivers these optical images over lines 252 to the game control. It is to be expressly understood that images 1630 and 1640 can be obtained from a number of regions internal to shuffler 240 and that mirrors other than mirrors 1632, 1646 and 1642, can be used to reflect images into lens 1620.

"Sensors 1660 and 1670 can be provided to sense the presence of a card being optically imaged. Hence, sensor 1660 senses (such as optically) the delivery of a card 1410B which delivers a signal over lines 1662 to the camera 1610 thereby indicating to the camera 1610 the image source it is recording. Hence when signals are detected by sensor 1660 and delivered over line 1662 to the camera 1610, the camera is recording optical images of inserted cards 93a. When the sensor 1670 detects the presence of a card 1230B to be dealt, a signal is generated over line 1672 to the camera 1610 thereby indicating to the camera 1610 that optical images of cards to be dealt 1230A are being recorded by the camera 1610."

#### **CLAIMS 1, 9, 16 AND 22 OF THE APPLICATION ANALYZED IN VIEW OF THE DISCLOSURE OF McCREA, Jr.**

1. A playing card delivery shoe from which cards may be dealt comprising
  - a) an area for receiving a first set of cards;
  - b) first card mover that moves cards from the first set to a card staging area wherein at least one card is staged in an order by which cards are removed from the first set of and moved to the card staging area;
  - c) second card mover that moves cards from the card staging area to a delivery area wherein cards removed from the staging area to the delivery shoe are moved in the same order by which cards were removed from the first set of cards and moved to the card staging area; and [IN

**THE CARD MOVING SYSTEM OF VERSCHOOR, THE CARDS ARE REMOVED IN THE REVERSE ORDER, NOT THE SAME ORDER. THAT IS, THE FIRST CARD INTO THE INTERMEDIATE STORAGE AREA OF VERSCHOOR IS THE LAST OUT AND THE LAST CARD INSERTED INTO THE STORAGE CHAMBER BEFORE REMOVAL TO THE CARD STAGING AREA IS THE FIRST OUT. THIS DIFFERENCE IS REQUIRED BECAUSE VERSCHOOR USES A TOP PICK-OFF ROLLER SYSTEM (NECESSITATED BY THE SHUFFLER STRICTURE AND SHUFFLING MECHANISM) AND THE CLAISM RECITE USE A BOTTOM PICK-OFF ROLLER SYSTEM]**

d) card reading sensors that read at least one element of information of card rank, card suit or card value of each card separately after each card has been removed from the area for receiving the first set of cards and before removal from the card delivery area.

9. A card storage shoe comprising a card in-feed area where an approximately vertical set of cards can be seated, a card moving element that moves one card at-a-time from the approximately vertical set of cards, an automatic mechanical transporting system for horizontally transporting individual ones of cards moved from the vertical set of cards to a card delivery area, and a card reading system that reads at least one of suits, rank and value of cards before cards moves into the card delivery area. **McCrea, JR. does not read cards before they move into the card delivery area. Verschoor does not have a card suit and rank reader. THERE CANNOT BE ANTICIPATION.**

16. A method of providing card to a dealer for manual delivery of the cards by a dealer comprising:

placing a set of cards within a card in-feed area;  
mechanically moving cards in the order in which cards are removed from the set of cards from the set of cards from the card in-feed area to a card delivery area where at least some cards become stationary;

reading individual cards for at least one of rank, suit or value after the cards are removed from the card in-feed area and before the cards become stationary in the card delivery area. **[IN THE CARD MOVING SYSTEM OF VERSCHOOR, AS NOTED ABOVE, CARDS ARE REMOVED IN THE REVERSE ORDER, NOT THE SAME ORDER AS RECITED IN THE CLAIM. THAT IS, THE FIRST CARD IN TO THE STORAGE AREA (AFTER RANDOMIZATION) IS THE LAST OUT AND THE LAST IN IS THE FIRST OUT. THIS IS AGAIN A STRUCTURAL REQUIREMENT, BECAUSE VERSCHOOR USES A TOP PICK-OFF ROLLER SYSTEM AND THE STRUCTURE DESCRIBED IN THE SPECIFICATION USES A BOTTOM PICK-OFF ROLLER SYSTEM]**

22. A card delivery shoe having a storage end and a delivery end, the shoe storing a first set of cards in the storage end and allowing manual removal of cards from the delivery end, at least one first sensor in the delivery end that senses when a card is absent from the delivery end and sends a signal to a motor that a card is to be delivered to the delivery end, and a motor that mechanically delivers a card to the delivery end of the shoe.

**[THE SYSTEMS OF VERSCHOOR AND McCrea HAVE THE DEMAND TRANSMITTED TO ONLY THE BUFFER AREA, AND THE BUFFER AREA IS NOT THE STORAGE END AS INTENDED BY THIS CLAIM.]**

Based on this analysis, the claims are clearly not anticipated by McCrea, Jr. The claims have not had to be amended to avoid anticipation. Applicants therefore file this amendment with arguments only, no amendments, and it is believed that in the next Office Action, the PTO cannot give a final rejection unless he wishes to continue a rejection on the reference discussed above, and that rejection has been shown to be clearly in error.

**CONCLUSION**

The rejection has been shown to be in error. All claims are believed to be in condition for allowance. If the Examiner believes that a discussion of any remaining issues could advance this Application towards allowance, he is courteously invited to call the attorney of record at 952.832.9090 to discuss any such remaining issues.

Respectfully submitted,

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I hereby certify that this paper is being transmitted by facsimile to the United States Patent and Trademark Office on the date shown below.

  
Mark A. Litman

20 December 2004  
Date